

UNITED STATES DISTRICT COURT

for the
Southern District of OhioFILED
RICHARD W. NAGEL
CLERK OF COURT

4/26/21

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. DAYTONIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 3:21-mj-154

Priority Mail Tracking Number
950551619121112499099 postmarked April 22, 2021APPLICATION FOR A SEARCH WARRANT BY TELEPHONE OR OTHER RELIABLE
ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Priority Mail Package, 950551619121112499099, addressed to DEVIN SMITH 8826 CABOT DR CINCINNATI OHIO 45231 with a return address of ROBERTO GARCIA 715 WITMER ST LA CA. 90017.

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. 841(a)(1)	Distribution and possession with intent to distribute a controlled substance
21 U.S.C. 846	Conspiracy to distribute/possess with intent to distribute a controlled substance
21 U.S.C. 843(b)	Use of a communication facility to commit a felony

The application is based on these facts:

SEE ATTACHED AFFIDAVIT

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Joseph L. Rossiter, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence via facetime.

Date: 04/26/2021



Judge's signature

City and state: Dayton, OH

Judge Michael J. Newman, United States District Court

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF
PRIORITY MAIL PACKAGE TRACKING
NUMBER 9505516191211112499099

Case No. _____

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, **Joseph Rossiter**, being first duly sworn, hereby depose and state as follows:

1. I am a United States Postal Inspector and have been since May 2016. I am presently assigned to the Cincinnati Field Office of the United States Postal Inspection Service, Pittsburgh Division, with investigative responsibility for southeast Indiana and southern Ohio. Part of my responsibility involves investigating the use of the United States Mails in the transportation of narcotics, other dangerous controlled substances, and financial proceeds from, or instrumentalities used in, the sale of such narcotics and controlled substances (hereinafter, "Drugs and/or Proceeds").
2. Based on my training and experience as a United States Postal Inspector, I have become aware that drug traffickers frequently use United States Priority Mail Express (overnight) or Priority Mail (2-3-day) to transport Drugs and/or Proceeds. Additionally, as a result of prior investigations, law enforcement training, and successful controlled-substance prosecutions involving the use of the United States Mails, I have learned of certain common characteristics and/or circumstances that indicate that a package may contain Drugs and/or Proceeds. These characteristics and circumstances include, but are not necessarily limited to, the following: the mailer uses different post offices on the same day to send packages, the return address is false or non-existent, the addressee is not known to receive mail at the listed delivery address, the

package is heavily taped, the package is mailed from a known drug source location, the labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanate from the package, and the listed delivery address is located in an area of known or suspected illegal drug activity.

3. On April 26, 2021, I intercepted a package (hereinafter "the Package") at the Cincinnati Network Distribution Center (NDC). The Package is a Priority Mail brown box, bearing tracking number 9505516191211112499099, postmarked April 22, 2021, with the following address information:

Sender: ROBERTO GARCIA
715 WITMER ST
LA CA. 90017

Addressee: DEViN SMiTH
8826 CABOT DR
CINCInnaTi OHIO
45231

Based upon my prior training and experience as a Postal Inspector, I know that Southern California is known as a drug source location.

4. I performed a check in the CLEAR database for the addressee's information which appeared on the Package, to wit: "DEViN SMiTH 8826 CABOT DR CINCInnaTi OHIO 45231." CLEAR is a law enforcement database that is routinely used as a tool for investigators to identify person/business and address information. According to CLEAR, there is no "Devin Smith" associated with the address of 8826 Cabot Dr, Cincinnati, OH 45231.

5. I also performed a check in CLEAR for the sender's information listed on the Package, to wit: "ROBERTO GARCIA, 715 WITMER ST, LA CA. 90017." According to CLEAR, there is no "Roberto Garcia" associated with the address of 715 Witmer St, Los Angeles, CA 90017.

6. On April 26, 2021, at my request, Dayton Police Department Officer Jeremy Stewart conducted a narcotics-detection canine "free air" check of the outside of the Package. I was present during said check. The Package was placed in a controlled area and presented to narcotics-detection canine, "Weston." As set forth in the attached April 26, 2021 affidavit of Officer Stewart, "Weston" alerted positively for the presence or odor of a narcotic or other controlled substance on the Package. "Weston" is a properly trained and certified narcotics-detection canine.

7. Based upon my prior law enforcement training and experience as a United States Postal Inspector, the Package's address information, including (i) no known association between the addressee and the recipient address, (ii) no known association between the sender and return address, and (iii) the positive alert of a narcotics-detection canine are all indicative of and consistent with Drugs and/or Proceeds in the Package.

Therefore, a search warrant to open the Package is requested.

Further, your affiant sayeth naught.

Respectfully submitted,



Joseph L. Rossiter
Postal Inspector
United States Postal Inspection Service

Subscribed and sworn to and before me this 26th day of April, 2021.



JUDGE MICHAEL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE



UNITED STATES POSTAL INSPECTION SERVICE

PITTSBURGH DIVISION

OFFICER AFFIDAVIT

I, Officer Jeremy Stewart, am and have been employed by the Dayton Police Department since 2014. Among other duties, I am currently the assigned handler of narcotics detection canine "Weston" which is trained and certified in the detection of the presence or odor of narcotics described as follows:

Marijuana, Cocaine, Methamphetamine, and Heroin

On 4/26/21, at the request of Postal Inspector ROSSITER, I responded to the DAYTON P&DC, where "Weston" did alert to and indicate upon: [describe item]

950531619121112499089
ROBERTO GARCIA DEVIN SMITH
715 WEIMER ST 5826 CABOT DR
LA CA, 90017 CINCINNATI, OHIO
45231

Which, based upon my training and experience and that of "Weston", indicates there is contained within or upon the above described item, the presence or odor of a narcotic or other controlled substance.

[Signature] 20115/426-21
(Signature, Badge #, and Date)

[Signature] 4/26/21
(Witness/Date)